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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,859	12/09/2003	Lisa C. Tidwell	1DATA.103A	6428

20995 7590 03/10/2008  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3694

NOTIFICATION DATE	DELIVERY MODE
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03/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,859	<b>Applicant(s)</b> TIDWELL ET AL.	
	<b>Examiner</b> MARY CHEUNG	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-14, 24-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-14, 24-27 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/30/04; 9/14/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Claims***

1. This action is in response to the restriction election filed on January 18, 2008. Claims 9-14, 24-27 and 29 are pending and are elected for examination. Claims 1-8, 15-23, 28 and 30 canceled. All the pending claims are examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10, 12, 24-25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellen et al., US 2005/0080738 A1 in view of Daly et al., US 5,878,141.

As to claim 9, Sellen teaches a method of compiling a computer-accessible repository of check issuer location information for use in check transaction risk assessment, the method comprising (§ 80, 86, 88 and Fig. 5A; *specifically, "check issuer location information" corresponds to the check information database in Sellen's teaching*):

- obtaining from the check issuers identifiers for checking accounts associated with the check issuers (§ 80; *the "identifiers" correspond to the MICR line in the checks in Sellen's teaching*); and

- compiling on a computer-accessible storage medium a repository of records, wherein a record comprises information to identify the associated check issuer's checking account (§ 80, 86, 88 and Fig. 5A).

Sellen does not specifically teach identifying check issuers in a desired geographical location, and the record related to the check comprising a check issuer name and associated check issuer's location. However, these matters are taught by Daly as a merchant accept checks only from local area (column 1 lines 34-36; *notes: the check issuer name is inherent on the check*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Sellen's teaching to include the features of identifying check issuer in a desired geographical location (e.g. local checks), and the record related to the check comprising a check issuer name and associated check issuer's location taught by Daly for better assess the risk for the check transaction and prevent negative check disposition.

As to claims 10 and 12, identifying check issuers within a desired proximity of a check-cashing entity, or identifying check issuers in a desired geographical location comprises identifying check issuers from any geographical location are taught by Sellen modified by Daly as only local checks are accepted by the merchant (Daly: column 1 lines 34-36 and see claim 1 above for motivation of combine the teachings).

Claims 24-25, 27 and 29 are in parallel with the limitations in claims 9-10 and 12; thus, they are rejected for the same rationales.

4. Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellen et al., US 2005/0080738 A1 in view of Daly et al., US 5,878,141, and in further view of Official Notice.

As to claim 11, Sellen modified by Daly teaches identifying check issuers within a desired region as discussed in claims 9-10 and 12 above. Sellen modified by Daly does not specifically teach the desired region defined by at least one of the set consisting of: zip code, city, county, state, telephone area code, and Metropolitan Statistical Area. The examiner takes Official Notice that is common knowledge that a desired region can be defined in such manner. For example, a merchant accept local checks, where the local checks mean the in-state checks only. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the desired region defined by at least one of the set consisting of: zip code, city, county, state, telephone area code, and Metropolitan Statistical Area for better prevent negative check disposition.

Claim 26 is rejected for the same rationale as claim 11.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellen et al., US 2005/0080738 A1 in view of Daly et al., US 5,878,141, and in further view of Robinson, US 6,957,770 B1.

As to claim 13, Sellen modified by Daly teaches a repository of records for check information (Sellen: ¶ 80). Sellen modified by Daly teaches does not specifically teach in response to receiving a request to cash a check for which the repository of records does not hold associated check issuer information, requesting from a check-cashing

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entity that is processing the request, information about at least one of: a check issuer name, a check issuer bank account identification, and check issuer location information; and adding check issuer information received from the check-cashing entity to the repository. However, the matters are taught by Robinson as a central database for storing check cashing information related to the consumer; and if the consumer information is not enrolled in the database, a registered merchant can enroll the consumer upon supplying the check cashing related information (column 5 lines 13-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Sellen modified by Daly to add new records of check cashing information in the repository taught by Robinson so that the repository can providing better risk assessment for future check cashing transactions.

As to claim 14, Sellen teaches requesting information from a check-cashing entity comprises displaying a prompt to an operator of a point-of-sale device at the check-cashing entity to input the requested information (Figs. 9A-9D).

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated

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by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 9-14, 24-27 and 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 10/731,212. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both disclose check cashing risk assessment based on graphical information.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300	(Official Communications; including After Final Communications labeled "BOX AF")
(571) 273-6705	(Draft Communications)

/Mary Cheung/  
Primary Examiner, Art Unit 3694  
February 28, 2008